

REMARKS

Rewriting claims 28, 31 and 37 has amended the claims. Claims 2, 3 and 28-38 remain in the application. Reconsideration of this application is respectfully requested.

Claims 2, 3, 28-30, and 32-36 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Babb (USPN 6,429,831). In support, the Examiner suggests that Babb discloses the limitations of the present invention claimed in claims 2, 3, 28-30 and 32-36 (see FIG. 2; col. 3, lines 1-10, 15-20 and 35-50; col. 4, lines 40-50 and 64-68). Based upon this comparison, the Examiner insists Babb anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(b) denies patentability when "the invention" was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States. It is well established, however, to "anticipate," pursuant to 102 (b), a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, claims 2, 3, 28-30, 32-36 in the present application recites, or depends from claims which recite:

A radio frequency identification tag comprising:

...a *first antenna element* and a *second antenna element* disposed on the *first substrate*, wherein the *first antenna element* is electrically isolated from the *second antenna element*;

a first contact pad and a second contact pad disposed on the second substrate; and

wherein the first and second contact pads are designed to make electrical contact with the first and second antenna elements.

While Babb relates to an RFID label, a careful reading of this reference fails to disclose...a *first antenna element* and a *second antenna element* disposed on the first substrate, wherein the *first antenna element* is electrically isolated from the *second antenna element*. Rather, Babb discloses a *single* spiral antenna (24) having an inner ring (40) and an outer ring (42). The Applicants believe that Babb teaches away from the present invention since the inner ring is *not* electrically isolated from the outer ring because the inner ring and outer ring make up the *single* spiral antenna.

Based upon this lack of teaching, the Applicants insist that Babb fails to describe the invention of the present application. Since Babb fails to disclose an essential limitations of the claimed invention; namely, a *first antenna element* and a *second antenna element* disposed on the first substrate, *wherein the first antenna element is electrically isolated from the second antenna element*, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Babb and may therefore be passed to allowance.

Claims 37 and 38 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Berry (USPN 4,141,055). In support, the Examiner suggests that Berry discloses the limitations of the present invention as claimed in claims 37 and 38 (see FIGS. 5-9; col. 3, lines 5-10). Based upon this comparison, the Examiner insists Berry anticipates the present invention. The Applicants, however, strongly disagree.

In short, the novelty provision of 35 U.S.C 102(e) denies patentability when "the invention" was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2) and (4) of section 371(c) of this title before the invention by the applicant for patent. It is well established, however, to "anticipate," pursuant to 102, a single prior art reference must disclose each limitation of a claimed invention or its equivalents functioning in essentially the same way as arranged in the claim.

As amended, each claim in the present application recites, or depends from claims which recite:

...a first substrate having disposed thereon a first contact pad and a second contact pad, *wherein the first and second contact pads are designed to couple to a first antenna element and a second antenna element*; and

a second substrate overlaying the first substrate, the second substrate comprising an aperture,

...wherein the second substrate is designed *to be removed* from the first substrate *prior to* coupling the first and second contact pads to the first and second antenna elements, *and wherein the first and second antenna elements are separate from the assembly.*

While Berry relates to a crossover structure and a method of fabricating such structure, a careful reading of this reference fails to disclose a first substrate having disposed thereon a first contact pad and a second contact pad, *wherein the first and second contact pads are designed to couple to a first antenna element and a second antenna element*; and a second substrate overlaying the first substrate, the second substrate comprising an aperture, ...wherein the second substrate is designed *to be removed* from the first substrate *prior to* coupling the first and second contact pads to the first and second antenna elements, *and wherein the first and second antenna elements are separate from the assembly.* Rather, Berry teaches away from the present invention because the second substrate in Berry is a spacing layer copper deposited on the first substrate; as such, the second substrate *cannot be removed* from the first substrate prior to coupling the first contact pad and the second contact pad to a first antenna element and a second antenna element, *the first and second antenna element being separate from the assembly.*

Based upon this lack of teaching, the Applicants insist that Berry fails to describe the invention of the present application. Since Berry fails to disclose an essential limitations of the claimed invention, there is no anticipation under 35 U.S.C. 102, because the exclusion of a claimed element from the prior art reference is enough to negate anticipation by that reference. For these reasons, the Applicants assert that the claims in the present application are not anticipated by Berry and may therefore be passed to allowance.

Claim 31 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, including all other limitations of the base claim and any intervening claims. The Applicants have rewritten claim 31 in independent form, including all other limitations of the base claim and any intervening claims.

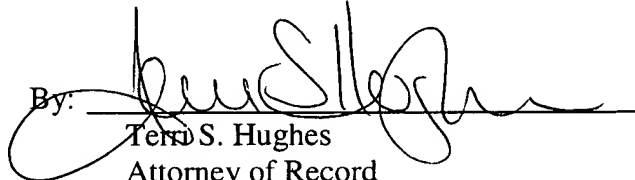
Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account No. 502117.**

Respectfully submitted,

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